

Remarks/Arguments

The Office Action dated September 21, 2004, has been noted, and its contents carefully studied. In light of the foregoing amendments to the application, reconsideration of the rejection of the claims under 35 U.S.C. §102 and §103 is courteously requested.

Initially, the Examiner's indication of allowable subject matter in the form of claims 39 and 40 is gratefully acknowledged. In this regard, it is noted that two minor amendments have been made to claim 39 to change the term "comprising" to a more appropriate "comprises" at line 9 thereof, and to change the incorrect term "subsequent" to "specified" at line 14 thereof. Entry of the amendment is respectfully solicited.

Turning now to the amendments made to claims 1 and 20, it is respectfully urged that these amendments are sufficient to enable the Examiner to withdraw the rejection of these claims. More specifically, these amendments are consistent with and reflect the Examiner's stated reasons for indicating allowable subject matter in the form of claims 5 and 24 as set forth in paragraph 31 of the Office Action dated March 24, 2004. More specifically, in that Office Action, the Examiner indicated that as to claim 5, which corresponds to claim 39, that the prior art of record does not teach or suggest the combination of limitations as claimed within the environment of claims 1 and 4. More specifically, the Examiner further stated that: storing in the first name cache a history of paths of the directory entries and the file entries that do not contain the specified file; in response to a subsequent request to open the specified file, searching through the history of the first name cache to locate the directory entries and the file entries that do not contain the specified file; and returning a response that the specified file is not contained on the disk; as claimed, is not taught or suggested by the prior art of record.

In accordance with the Amendment herein, claims 1 and 20 have been amended to recite the aforementioned features which the Examiner previously indicated and which resulted in the allowance of claims 39 and 40. The primary difference between now amended claims 1 and 20, and allowed claims 39 and 40, is that not all of the limitations of intervening claims 4 and 23 have been added to claims 1 and 20. However, these claims do affirmatively recite a "disk drive" and a "main memory" as necessary to provide proper antecedent basis to the added subject matter which the Examiner previously concluded made claims 39 and 40 allowable. Claims 20 and 21 as amended otherwise correspond to allowed claims 39 and 40. As a result of

the amendment to claims 1 and 20, claims 4 and 23 have also been amended herein to be consistent with the amendments to claims 1 and 20, and properly depend therefrom.

For the foregoing reasons, it is respectfully urged that all of the claims clearly define patentable subject matter under 35 U.S.C. §102 and §103. Further, it is respectfully urged that the amendments should be entered inasmuch as they do not introduce new issues since they merely address previously considered limitations, and further, because they place the case in condition for allowance.

Finally, it is noted that new drawings were previously submitted addressing objections raised in the March 24, 2004 Office Action. In this regard, the new Office Action is silent as to whether the objections were properly addressed since no indication of acceptance or objection is noted. As a result, Applicants assume the reasons leading to the original objections have been properly addressed and that no objection remains. Nonetheless, it is courteously requested that the Examiner address the issue of the drawings.

Applicants thank the Examiner for his careful consideration of this response. Should the Examiner have any comments, questions or suggestions of a nature necessary to expedite prosecution of the application or to place the case in condition for allowance, he is courteously requested to telephone the undersigned at the number listed below.

Dated: December 7, 2004

Respectfully submitted,



A. José Cortina, Reg. No. 29,733

Daniels Daniels & Verdonik, P.A.
P.O. Drawer 12218
Research Triangle Park, NC 27709
Voice 919.544.5444
Fax 919.544.5920
Email jcortina@d2vlaw.com